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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,648	12/13/2004	David J Attwater	36-1874	3107
23117 7590 04/27/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
ABEBE, DANIEL DEMELASH				
ART UNIT		PAPER NUMBER		
2626				
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04/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,648

Applicant(s)

ATTWATER ET AL.

Examiner

Daniel D. Abebe

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-35, 37-40, 44, 47, 48, 50, 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 21-35, 37-40, 47, 48, 50 and 52-54 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-13 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-10 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on 1/09/2009 have been fully considered but they are not persuasive.

Applicant's argument asserting Gamm doesn't teach the claimed limitation of comparing only leading portion of coded response is not persuasive, because Gamm teaches a method for performing selective correction of first numeric characters that have not been properly recognized with newly entered second sequence wherein the newly entered second numeric characters are partial and where this partial second input characters are compared with the buffered first numeric character to verify the numbers.

"When a first numeric character sequence has been recognized, the user is asked whether this sequence has been understood correctly. If this is not the case, the user is requested to give another speech entry. **He may then enter a completely new numeric character sequence or only a partial numeric character sequence. Subsequently, the first numeric character sequence and the newly entered second numeric character sequence are compared.** The control device then determines a part of the first numeric character sequence that has the most numeric character matches with the numeric characters of the second numeric character sequence. It is then presupposed that the number of numeric characters of the second numeric character sequence is smaller than the number of the first numeric character sequence. Subsequently, the non-matching numeric characters of the second numeric character sequence are substituted for the numeric characters of the part of the first numeric character sequence." (Col.2, lines 15-48)

Gamm in detail teaches where the user pronounces only portion of the numeric characters sequence that occur before and after the numeric character that has been wrongly understood and these partial sequences are compared with the initial sequences. The second numeric characters, according to Gamm, represent part of the first numeric character sequence (Col.3, lines 20-25). Therefore, the examiner contends that comparing the partial second character sequence which are part of the first

sequence character in Gamm is analogous to the claimed limitation of comparing the leading portion of the input sequence with the buffered one and maintains the rejection by Gamm.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. the specification doesn't provide any kind of support or teaching to the claimed limitation of "comparing only the leading portion of the coded response with a part of the buffer contents" as recited in claim 1.

Allowable Subject Matter

Claims 18, 21-35, 37-40, 44, 47-48, 50 and 52-54 are allowed.

Claims 4-10, 14-16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 18, 21-35, 37-40, and 50 are allowed for same reasons indicated in the preceding office action.

Claim 54 is allowed because the prior arts of record alone or in combination do not teach the time out means operable in dependence of a dialogue state to vary the time out parameter in accordance to the first and second dialog state.

With regard to claim 44, the rejection has been withdrawn in view applicant's remark indicating that the the prior arts of record do not teach determining a predetermined pattern in the coded representation where the predetermined patterns are predetermined digit sequences as recited in the claims

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gamm et al. (6,078,887).

As to claim 1, Gamm teaches an automated speech dialogue apparatus comprising;

Recognition means for recognizing second speech input sequences representing numeric characters;

Speech output means for presenting the recognized input by the user;
storage means for storing the first character string that are correlated with the second character string.

according to the Gamm the speech entries are presented and verification is made by the user. A selective correction is made of those numeric characters that have not been recognized and when a first numeric character sequence has been recognized, the user is asked whether this sequence has been understood correctly. If this is not the case, the user is requested to give another speech entry. He may then enter a completely new numeric character sequence or only a partial numeric character sequence. the first numeric character sequence and the newly entered second numeric character sequence are compared. Then determination is made on the part of the first numeric character sequence and those that doesn't match with numeric characters of the second numeric character sequence replace the numeric characters of the part of the first numeric character sequence.

Means for correlating the second speech input sequences with previously input/stored first sequences of numeric characters, where the correlation involves portion of the two sets of numeric characters and in accordance with the correlation result replacing at least part of the first sequence of characters (abstract; Col.2, lines 5-12; Col.1, lines 43-59).

As to claims 2-3, Gamm teaches storing the first character string that are correlated with the second character string and replacing part of the first character sequence with the second character sequence as addressed above.

As to claims 11-13, Gamm teaches where the second input characters precede the first input characters if the result of the comparison shows difference and only those characters in the first input different from the second input are replaced (Col.2, lines 25-30).

As to claim 17, Gamm teaches where the speaker is prompted to confirm the input where the input is presented to the user through speech generation or display means (Col.2, line 5-30).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626

